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June 13, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Stop Code - 1170
Washington, D.C. 20554

Re: Petition for Reconsideration filed by The Hearst Corporation
Sixth Report and Order; FCC 97-115; MM Docket No. 87-268

Dear Mr. Caton:

Transmitted herewith, on behalf of The Hearst Corporation, are a facsimile of an original and eleven copies of a Petition for Reconsideration to be filed in the above-referenced matter.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Very truly yours,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

Mark J. Prak
Counsel to The Hearst Corporation

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	
and Their Impact upon the	)	MM Docket No. 87-268
Existing Television Broadcast	)	
Service	)	

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION OF THE SIXTH REPORT AND ORDER SUBMITTED BY THE HEARST CORPORATION

This Petition for Partial Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*" or "*Allotment Order*") is submitted on behalf of The Hearst Corporation ("Hearst"), licensee either directly or through subsidiaries of Television Stations WCVB(TV) Boston, Massachusetts, WBAL-TV, Baltimore, Maryland, WDTN(TV), Dayton, Ohio, WTAE-TV, Pittsburgh, Pennsylvania, WISN-TV, Milwaukee, Wisconsin, KMBC(TV), Kansas City, Missouri, and WWWB(TV), Lakeland, Florida Each of the stations has been recently assigned a paired DTV Channel. By this Petition, Hearst respectfully requests the Commission to reconsider its rules regarding power increases for DTV operations in order to better facilitate DTV power adjustments and prevent competitive activity from delaying DTV implementation.

Specifically, Hearst seeks relaxation of the provisions of Section 73.623(c)(2) of the Commission's rules regarding interference caused by changes in initial DTV allotment facilities. Because many of the DTV allotments involve taboo relationships that cause interference to NTSC stations, it will likely be necessary for DTV stations to change power or location. (See Attached Engineering Statement Prepared by Bernard R. Segal, P.E.) However, when changing location by more than 5 kilometers, a DTV licensee will be required to get the approval of the NTSC station to which it is causing interference. Very often, the NTSC station will be in competition with the DTV station for the same viewers, and therefore, there would be no incentive for the NTSC licensee to accommodate any location or power change desired by the DTV station.

This problem is most likely to arise in instances where a DTV transmitter causes a "doughnut hole" shaped interference pattern within the coverage area of an NTSC station. This "doughnut hole" interference is an unavoidable result of the Commission's DTV allotment plan, and is centered around the DTV transmitter. In cases where it becomes necessary for such a DTV transmitter to relocate or increase power, the licensee will need to follow the stringent rules of Section 73.623(c)(2). Because this type of interference is common, many stations will likely desire to make changes in their operations which increase interference, thereby requiring them to attempt to obtain the permission of their competitors to increase their operations to better compete in the market. For example, Hearst's KMBC-TV, Channel 9, Kansas City, Missouri has been allotted DTV channel 14. Its maximum authorized power is 450.9 kilowatts, significantly less than the 1000 kilowatts allowed for two other Kansas City stations. If KMBC causes a "doughnut hole" interference pattern in the NTSC coverage of a competitor, it is unlikely that KMBC will be able to increase power since the permission of the competitors is unlikely to be forthcoming.

To obviate this need, Hearst requests that the Commission modify the rule to allow some nominal percentage increase in the area of interference surrounding the DTV transmitter. For example, a 25% increase in the area covered by the "doughnut hole" of interference should be allowed because such increase in interference is minimal.

Respectfully submitted this the 13th day of June, 1997.

THE HEARST CORPORATION

By: _____

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ORIGINAL

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

ENGINEERING STATEMENT
PREPARED FOR
THE HEARST CORPORATION
NEW YORK, NEW YORK

The instant engineering statement has been prepared on behalf of The Hearst Corporation (hereafter, Hearst) and supports a Petition for Reconsideration of the FCC's *Sixth Report and Order* in the matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket Number 87-268. Hearst is the licensee of a number of television stations which have been allotted paired DTV channels in Section 73.622(b) of the Rules. Hearst, particularly, seeks a relaxation of the provisions of Section 73.623(c)(2) regarding interference caused for changes in initial DTV allotment facilities.

Many of the DTV allotments made unavoidably involve taboo relationships that cause interference to existing NTSC stations. For the situation where the undesired DTV station's transmitting site is within the Grade B contour of the NTSC station, a doughnut hole type interference area results with the interference occurring in the vicinity of the undesired station's transmitter. In those instances where it becomes necessary to relocate the DTV

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station in a direction that moves away from the NTSC station and the move exceeds the 3 mile (5 kilometer) radius that the FCC currently allows without the need for re-examining allotment interference concerns, increased interference will result which, in the absence of a negotiated agreement for the acceptance of the interference, will thwart the ability of the DTV station to relocate unless the facilities that are employed are reduced. Generally, when there is a doughnut hole interference condition, the desired and undesired stations are close enough to be vying for the attention of some of the same viewers. Thus, because of competitive considerations, a negotiated agreement may not be obtainable. Also, in many instances, the replication DTV facilities are already less than 100 percent, and a reduction in facilities to avoid increased interference would worsen the replication match.

For these reasons, Hearst believes additional flexibility is required and suggests that for situations where the DTV transitional allotment results in a doughnut hole interference to another station, increased interference be permitted so long as the relocated site for the DTV station remains within the Grade B contour of a potentially affected station. As earlier indicated, the

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doughnut hole interference surrounds the offending station's transmitter and quite often does not encompass a very large area. Alternatively, a modification of the Rule that would permit some nominal percentage increase in the doughnut hole interference is requested as, for example, a 25 percent increase in the area of interference. This latter approach would permit reasonable facility increases at an existing site where doughnut hole interferences have been incorporated as part of the initial DTV allotment.

Since many DTV allotments were made in a manner which unavoidably results in doughnut hole interference conditions, the suggested Rule revision would provide relief for many stations that are faced with a requirement for relocating the transmitting facility beyond the 5 kilometer range currently permitted without the need for considering interference impact concerns.

Bernard R. Segal, P.E.

June 12, 1997